REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 24-25 and 28-29 are canceled without prejudice or disclaimer to the underlying subject matter. Claims 1, 3, 11, 13, 21, 23, 31, and 33 are amended. Claims 1-23, 26-27, and 30-44 are pending in the application.

Claims 1, 11, 21, and 31 have been amended to ensure the claims are not unreasonably interpreted. Specifically, these claims as amended specify the first and second active links are ***terminated by the router and the first neighboring router***, *i.e.*, the first and second links are connected directly to the router and the first neighboring router. Hence, the explicit claim language precludes interpreting the first and second active links as encompassing links that *indirectly* connect the router (via a next-hop router) to the first neighboring router.

Further, the claims as amended specify that the prescribed attributes of the active path are based on an ***aggregation*** of selected attributes of the first active link and the second active link that directly connect the router and the first neighboring router. Hence, the explicit ***aggregation*** precludes interpreting the claimed "prescribed attributes of the active path" as merely nominal attributes of a path consisting of a single link, or a path composed of multiple links in a multiple-hop path.

Independent claims 1, 11, 21, and 31 stand rejected under 35 USC §103 in view of the EIGRP White Paper, U.S. Patent Publication No. 2002/0067720 by Garcia-Luna-Aceves, U.S. Patent No. 5,694,390 to Yamato et al. and U.S. Patent Publication No. 2004/0221058 by deBoer et al. This rejection is respectfully traversed.

As described in further detail below, none of the applied references, singly or in combination, disclose or suggest an active path connected to the router and including at least first and second active links ***each terminated by the router and connecting the router to a first neighboring router that also terminates the first and second links***, as claimed. As described in the specification, the neighboring router is defined as a router serving a peer endpoint for each connected link (see, e.g., page 8, lines 19-20), and a router that terminates a connected link 16 or 16' with the router (e.g., page 12, lines 28-29).

Hence, the broadest reasonable interpretation of "neighboring router" requires that the claimed router and the claimed neighboring router serve as ***peer endpoints*** for each of the first and second active links of the active path. In other words, the router and the first neighboring router terminate the endpoints of the first active link and the second active link.

Moreover, the claimed active path that includes at least first and second active links (each terminated by the router and the first neighboring router) enables prescribed attributes to be evaluated in terms of an active path as opposed to individual links, enabling the claimed ***aggregation of prescribed attributes*** of active links associated with the active path (see, e.g., page 3, lines 20-22). Hence, the claims explicitly require ***aggregating*** the dynamic attributes of the individual active links in order to form the combined dynamic attributes of the active path (e.g., page 5, line 29 to page 6, line 9).

These and other features are neither disclosed or suggested in the applied prior art. As described in further detail below, the applied references in combination teach no more than monitoring the attributes of individual links, and switching from a failed link to an alternative link.

The reference to the EIGRP White Paper is strenuously traversed, as the rejection mischaracterizes the reference as teaching that "identifying by the router an active path connected to the router based on active links connecting the router to a first neighboring router" (see pages 2-3 of the office action): the EIGRP white paper refutes this assertion by illustrating on page 3 that each path from a router to a neighboring router consists of only a **single link**, with **no** disclosure or suggestion of any path having more than one link connecting a router to a neighboring router (see Figure 1 on page 3 of the EIGRP White Paper).

Regarding claim 3, the rejection is further traversed because the rejection mischaracterizes the EIGRP White Paper and disregards the claimed terms "active link" versus "active path". The EIGRP White Paper refers to a "path" as a multi-hop path from a source to a destination via multiple network nodes connected in series by multiple data links:

> Router Two chooses the path to Network A by examining the hop count through each available path.
>
> (EIGRP White Paper at page 2, last line)

[Router Two] chooses the path *through* [Router] One as its best path (the successor) and the path through [Router] Three as a loop-free path (a feasible successor).

(EIGRP White Paper at page 3, second para., lines 4-6).

Hence, all of the prior art assumes that a path is a sequence of data links that are arranged in series from a source to a destination.

In contrast, the specification and claims explicitly specify that a path is formed by two links in parallel, namely an active path including at least first ***and*** second active links each terminated by the router and connecting the router to a first neighboring router that terminates the first and second active links. Further, there is no disclosure or suggestion of the second active link connected to the router to the active path based on determining that the destination is concurrently reachable by the first active link and the second active link, as specified in claim 3. As described at page 6, lines 16-18 of the specification, the network layer identification of destinations that are concurrently reachable is distinct from link layer trunking which requires manual reconfiguration of links. Hence, the multiple-link active path can be dynamically created by the router based on the availability of the link, policy considerations, etc.

The reference to Garcia-Luna-Aceves et al. (U.S. Patent publication 2002/0067720) is misplaced, as this publication only describes in paragraph 32, lines 12-14 that "a node detects the failure, recovery and link cost changes of each adjacent link within a finite time", with no reference or suggestion whatsoever of a ***path***, as claimed. Rather, this publication is strictly limited to neighboring nodes that are connected via a link, and assumes that messages are transmitted by an operational link, in other words a single link. There is no disclosure or suggestion that two adjacent nodes or neighbors are connected together by an active path including ***first and second active links that are terminated by the two adjacent neighbors***, as claimed.

U. S. Patent No. 5,694,390 to Yamato illustrates in Figure 6 unidirectional transmission paths 461 and 462 that send and receive ATM cell streams between a cell multiplexing/demultiplexing device 45, and an ATM network 47 (see, e.g., column 10, line 34); hence, Yamato illustrates "transmission paths" as data links. However, Yamato et al. provides no disclosure or suggestion of

aggregating the links into an active path such that an active path includes at least first and second active links each connecting a network device to a neighboring device, enabling monitoring of prescribed attribute of the path, as claimed.

U.S. Patent Publication No. 2004/0221058 by deBoer et al. fails to disclose or suggest "that the active links are at least first and second active links", as argued on page 4 of the Office Action. To the contrary, this assertion is a blatant mischaracterization of the applied reference, which consistently describes that a network node can switch traffic from a working link (having a detected fault) to a protection link in order to "affect protection switching of traffic on the working link to a protection link connecting the node to the immediately upstream node" (see paragraph 14). Hence, deBoer et al. teaches away from the claimed subject matter by using only one active link at a time, referred to in deBoer et al. as the working link.

Further, deBoer et al. is replete with examples that traffic on a working link is switched to a "single parallel link between the two nodes, thereby restoring traffic on the link" (see abstract, lines 3-6). Hence, deBoer et al. teaches away from the claimed active path that includes two ***active*** links.

In contrast, each of the independent claims specify not only that the active path has first and second active links each terminated by the router and connecting the router to a first neighboring router that terminates the first and second active links, but also that the prescribed attributes of the active path are based on an ***aggregation*** of selected attributes of the first active link and the second active link.

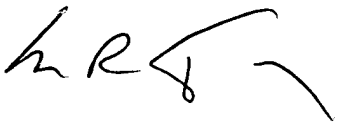
For these and other reasons, the rejection should be withdrawn.

It is believed the dependent claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 10-009, and please credit any excess fees to such deposit account.

Respectfully submitted,



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